

**TENNESSEE EDUCATION
ASSOCIATION, et al.,**

Plaintiff,

VS.

LIZZETTE GONZALEZ REYNOLDS,
et al.,

Defendants.

Case No. 3:23-CV-00751

District Judge Aleta A. Trauger

DEFENDANTS' MOTION TO DISMISS

Defendants Lizzette Gonzalez Reynolds, in her official capacity as Commissioner of the Tennessee Department of Education, and Krissi McInturff, Jordan Mollenhour, Robert Eby, Warren Wells, Ryan Holt, Lillian Hartgrove, Nate Morrow, Larry Jensen, Darrell Cobbins, and Bob Smith, in their official capacities as members of the Tennessee State Board of Education, by and through counsel, respectfully request that Plaintiffs' Complaint against them be dismissed as a matter of law pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

As discussed more fully in Defendants' separate Memorandum of Law, Plaintiffs' Fourteenth Amendment challenge is barred by Plaintiffs' lack of standing and failure to state a claim upon which relief may be granted.

Accordingly, these Defendants respectfully request the Court grant their motion and dismiss Plaintiffs' claim as a matter of law. Alternatively, Defendants request the Court abstain.

Respectfully submitted,

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ATTORNEY GENERAL AND REPORTER

/s/ Ryan Nicole Henry

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CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2023, the undersigned filed the foregoing document using the Court's Electronic Court-Filing system, which sent notice of filing to the following counsel of record:

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Respectfully submitted,

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